

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 59003  
HOMELAND ENTERPRISES, INC.  
RN103049912  
Docket No. 2020-0447-PST-E

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**Order Type:**

Agreed Order

**Media:**

PST

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

35427 State Highway 249, Pinehurst, Montgomery County

**Type of Operation:**

an underground storage tank ("UST") system and convenience store with retail sales of gasoline

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third Parties:	None

**Texas Register Publication Date:** June 25, 2021

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$23,469

**Total Paid to General Revenue:** \$684

**Total Due to General Revenue:** \$22,785

Payment Plan: 35 payments of \$651 each

**Compliance History Classifications:**

Person/CN – Satisfactory  
Site/RN – Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** April 2014

**EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 59003**  
**HOMELAND ENTERPRISES, INC.**  
**RN103049912**  
**Docket No. 2020-0447-PST-E**

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**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** July 31, 2019 and January 15, 2020  
**Date(s) of NOV(s):** August 19, 2019  
**Date(s) of NOE(s):** February 7, 2020

**Violation Information**

1. Failed to maintain Stage II decommissioning records at the Station [30 TEX. ADMIN. CODE § 115.246(a)(7)].
2. Failed to perform and complete all decommissioning activities, as applicable for the particular Stage II vapor recovery system equipment installed at the Station [TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE § 115.241(b)(3)].
3. Failed to inspect all sumps, manways, overspill containers, or catchment basins associated with the UST system at least once every 60 days to assure that their sides, bottoms and any penetration points are maintained liquid tight [TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.42(i)].
4. Failed to provide an amended registration for any change or additional information regarding the USTs within 30 days from the date of the occurrence of the change or addition [30 TEX. ADMIN. CODE § 334.7(d)(1)(A), (d)(1)(C), and (d)(3)].
5. Failed to provide corrosion protection for the UST system [TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE § 334.49(a)(1)].
6. Failed to provide release detection for the pressurized piping associated with the UST system [TEX. WATER CODE § 26.3475(a) and 30 TEX. ADMIN. CODE § 334.50(b)(2)].
7. Failed to equip the UST system with overfill prevention equipment [TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.51(b)(2)].
8. Failed to conduct effective manual or automatic inventory control procedures for the UST system [TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE §§ 334.48(c) and 334.50(d)(1)(B)].
9. Failed to report a suspected release to the agency within 24 hours of discovery [30 TEX. ADMIN. CODE § 334.72].
10. Failed to investigate and confirm all suspected release of regulated substances requiring reporting under 30 TEX. ADMIN. CODE § 334.72 (relating to Reporting of Suspected Releases) within 30 days of discovery [30 TEX. ADMIN. CODE § 334.74].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Immediately begin maintaining required Stage II decommissioning records and ensure they are made available for inspection upon request by agency personnel.
2. Within 30 days:
  - a. Install overfill prevention equipment for UST system;

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- b. Remove and properly dispose of all liquid and debris from the spill buckets, and begin conducting bimonthly inspections of all sumps, manways, overspill containers, or catchment basins;
  - c. Complete all Stage II decommissioning activities including submitting a complete decommissioning notice;
  - d. Conduct the piping tightness and line leak detector tests for all USTs at the Station;
  - e. Provide corrosion protection for the UST system at the Station;
  - f. Implement a method of manual or automatic inventory control procedures for all USTs at the Station;
  - g. Develop and implement procedures designed to ensure that suspected releases are reported;
  - h. Conduct an investigation of the suspected release and implement appropriate corrective measures; and
  - i. Submit a properly completed UST Registration and Self-Certification form.
3. Within 45 days, submit written certification to demonstrate compliance with Technical Requirements No. 2.a. through 2.i.

**Litigation Information**

**Date Petition(s) Filed:** January 6, 2021

**Date Green Card(s) Signed:** January 8, 2021

**Settlement Date:** May 7, 2021

**Contact Information**

**TCEQ Attorneys:** Benjamin Warms, Litigation, (512) 239-3400  
Garrett Arthur, Public Interest Counsel, (512) 239-6363

**TCEQ Litigation Agenda Coordinator:** Elisa Guerra, (512) 239-3329

**TCEQ Enforcement Coordinator:** Carlos Molina, Enforcement, (512) 239-2557

**TCEQ Regional Contact:** Westin Massey, Houston Regional Office, (713) 767-3500

**Respondent Contact:** Ali Ahmed Abu-Ain, President, HOMELAND ENTERPRISES, INC.,  
20503 Spring Orchard Lane, Spring, Texas 77388

**Respondent's Attorney:** N/A

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# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	10-Feb-2020		
	<b>PCW</b>	15-Jul-2020	<b>Screening</b>	21-Feb-2020
			<b>EPA Due</b>	

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	HOMELAND ENTERPRISES, INC.			
<b>Reg. Ent. Ref. No.</b>	RN103049912			
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	59003	<b>No. of Violations</b>	10
<b>Docket No.</b>	2020-0447-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Carlos Molina
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$22,000
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	<b>5.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$1,100
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<b>Notes</b>	Enhancement for one NOV with same/similar violations.			
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<b>Culpability</b>	No	<b>0.0%</b>	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.			
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1,018	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$10,560	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$23,100
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>1.6%</b>	<b>Adjustment</b>	\$369
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Recommended enhancement to capture the avoided cost of compliance associated with violation Nos. 3, 6, and 9.			
	<b>Final Penalty Amount</b>	\$23,469		

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$23,469
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<b>DEFERRAL</b>	<b>0.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral not offered for non-expedited settlement.			
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<b>PAYABLE PENALTY</b>	\$23,469
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<b>Screening Date</b>	21-Feb-2020	<b>Docket No.</b>	2020-0447-PST-E	<b>PCW</b>
<b>Respondent</b>	HOMELAND ENTERPRISES, INC.			
<b>Case ID No.</b>	59003	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN103049912	<i>PCW Revision March 26, 2014</i>		
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Carlos Molina			

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 5%

#### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for one NOV with same/similar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 5%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 5%

<b>Screening Date</b>	21-Feb-2020	<b>Docket No.</b>	2020-0447-PST-E	<b>PCW</b>	
<b>Respondent</b>	HOMELAND ENTERPRISES, INC.			Policy Revision 4 (April 2014)	
<b>Case ID No.</b>	59003	PCW Revision March 26, 2014			
<b>Reg. Ent. Reference No.</b>	RN103049912				
<b>Media</b>	Petroleum Storage Tank				
<b>Enf. Coordinator</b>	Carlos Molina				
<b>Violation Number</b>	<div style="border: 1px solid black; padding: 2px;">1</div>				
<b>Rule Cite(s)</b>	<div style="border: 1px solid black; padding: 5px; text-align: center;">30 Tex. Admin. Code § 115.246(a)(7)</div>				
<b>Violation Description</b>	<div style="border: 1px solid black; padding: 10px;">Failed to maintain Stage II decommissioning records at the Station.</div>				
				<b>Base Penalty</b>	<div style="border: 1px solid black; padding: 2px;">\$25,000</div>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<b>Percent</b> <div style="border: 1px solid black; padding: 2px;">0.0%</div>
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<b>Percent</b> <div style="border: 1px solid black; padding: 2px;">5.0%</div>
Matrix Notes	<div style="border: 1px solid black; padding: 10px; text-align: center;">100% of the rule requirement was not met.</div>				
				<b>Adjustment</b>	<div style="border: 1px solid black; padding: 2px;">\$23,750</div>
					<div style="border: 1px solid black; padding: 2px;">\$1,250</div>
<b>Violation Events</b>					
Number of Violation Events		<div style="border: 1px solid black; padding: 2px;">1</div>	Number of violation days		<div style="border: 1px solid black; padding: 2px;">37</div>
	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
	weekly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
	single event	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>			
<div style="border: 1px solid black; padding: 10px; text-align: center;">One single event is recommended.</div>					
<b>Good Faith Efforts to Comply</b>		<div style="border: 1px solid black; padding: 2px;">0.0%</div>	<b>Reduction</b>		<div style="border: 1px solid black; padding: 2px;">\$0</div>
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
	Ordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
	N/A	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>			
	Notes	<div style="border: 1px solid black; padding: 5px;">The Respondent does not meet the good faith criteria for this violation.</div>			
				<b>Violation Subtotal</b>	<div style="border: 1px solid black; padding: 2px;">\$1,250</div>
<b>Economic Benefit (EB) for this violation      Statutory Limit Test</b>					
<b>Estimated EB Amount</b>		<div style="border: 1px solid black; padding: 2px;">\$3</div>	<b>Violation Final Penalty Total</b>		<div style="border: 1px solid black; padding: 2px;">\$1,333</div>
				<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<div style="border: 1px solid black; padding: 2px;">\$1,333</div>

# Economic Benefit Worksheet

**Respondent** HOMELAND ENTERPRISES, INC.  
**Case ID No.** 59003  
**Reg. Ent. Reference No.** RN103049912  
**Media** Petroleum Storage Tank  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	31-Jul-2019	6-Dec-2020	1.35	\$3	n/a	\$3
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

### Notes for DELAYED costs

Estimated delayed cost to maintain Stage II decommissioning records at the Station. The date required is the initial investigation date and the final date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$45

**TOTAL**

\$3



<b>Screening Date</b>	21-Feb-2020	<b>Docket No.</b>	2020-0447-PST-E	<b>PCW</b>
<b>Respondent</b>	HOMELAND ENTERPRISES, INC.			
<b>Case ID No.</b>	59003	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN103049912	<i>PCW Revision March 26, 2014</i>		
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Carlos Molina			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 115.241(b)(3) and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to perform and complete all decommissioning activities, as applicable for the particular Stage II vapor recovery system equipment installed at the Station. Specifically, the Station was unable to verify that all Stage II Decommissioning activities had been completed.			
<b>Base Penalty</b>				\$25,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential			x	<b>Percent</b> 3.0%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

  

Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$24,250
\$750	

  

**Violation Events**

Number of Violation Events	1	Number of violation days	37
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	daily		<b>Violation Base Penalty</b> \$750
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

  

One single event is recommended.

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>			<b>Reduction</b>	\$0
Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer					
Extraordinary					
Ordinary					
N/A	x				
Notes	The Respondent does not meet the good faith criteria for this violation.				

  

<b>Violation Subtotal</b>	\$750
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**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$41
<b>Violation Final Penalty Total</b>	\$800
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$800	

# Economic Benefit Worksheet

**Respondent** HOMELAND ENTERPRISES, INC.  
**Case ID No.** 59003  
**Reg. Ent. Reference No.** RN103049912  
**Media** Petroleum Storage Tank  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$600	31-Jul-2019	6-Dec-2020	1.35	\$41	n/a	\$41

**Notes for DELAYED costs**

Estimated delayed cost to complete all decommissioning activities (\$200 each for three dispensers). The date required is the initial investigation date and the final date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$600

**TOTAL**

\$41

<b>Screening Date</b>	21-Feb-2020	<b>Docket No.</b>	2020-0447-PST-E	<b>PCW</b>
<b>Respondent</b>	HOMELAND ENTERPRISES, INC.			
<b>Case ID No.</b>	59003	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN103049912	<i>PCW Revision March 26, 2014</i>		
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Carlos Molina			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.42(i) and Tex. Water Code § 26.3475(c)(2)			
<b>Violation Description</b>	Failed to inspect all sumps, manways, overspill containers, or catchment basins associated with the underground storage tank ("UST") system at least once every 60 days to assure that their sides, bottoms, and any penetration points are maintained liquid tight. Specifically, the spill buckets contained liquid.			
<b>Base Penalty</b>				\$25,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential		x		<b>Percent</b>
					5.0%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b>
					0.0%

  

Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$23,750
<b>\$1,250</b>	

  

**Violation Events**

Number of Violation Events	1	Number of violation days	37
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	daily		
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

  

<b>Violation Base Penalty</b>	\$1,250
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One quarterly event is recommended from the January 15, 2020 follow-up investigation date to the February 21, 2020 screening date.	
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**Good Faith Efforts to Comply**

	<b>0.0%</b>		<b>Reduction</b>	\$0
Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer				
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			

  

<b>Violation Subtotal</b>	\$1,250
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$117	<b>Statutory Limit Test</b>	
		<b>Violation Final Penalty Total</b>	\$1,333
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$1,333

## Economic Benefit Worksheet

**Respondent** HOMELAND ENTERPRISES, INC.  
**Case ID No.** 59003  
**Reg. Ent. Reference No.** RN103049912  
**Media** Petroleum Storage Tank  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$200	15-Jan-2020	6-Dec-2020	0.89	\$9	n/a	\$9
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	15-Jan-2020	6-Dec-2020	0.89	\$4	n/a	\$4

#### Notes for DELAYED costs

Estimated delayed cost to conduct bimonthly inspections of the overfill containers (\$100) and properly dispose of liquid and debris (\$200). The date required is the follow-up investigation date and the final date is the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$100	1-Jun-2019	21-Feb-2020	0.73	\$4	\$100	\$104
Other (as needed)				0.00	\$0	\$0	\$0

#### Notes for AVOIDED costs

Estimated avoided cost to conduct bimonthly inspections of the overfill containers or catchment basins. The date required is 60 days prior to the initial investigation date and the final date is the screening date.

Approx. Cost of Compliance

\$400

**TOTAL**

\$117

<b>Screening Date</b>	21-Feb-2020	<b>Docket No.</b>	2020-0447-PST-E	<b>PCW</b>
<b>Respondent</b>	HOMELAND ENTERPRISES, INC.			Policy Revision 4 (April 2014)
<b>Case ID No.</b>	59003			PCW Revision March 26, 2014
<b>Reg. Ent. Reference No.</b>	RN103049912			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Carlos Molina			
<b>Violation Number</b>	4			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.7(d)(1)(A), (d)(1)(C), and (d)(3)			
<b>Violation Description</b>	Failed to provide an amended registration for any change or additional information regarding the USTs within 30 days from the date of the occurrence of the change or addition. Specifically, information about UST No. 5 has not been updated indicating that it contains diesel fuel and the current operator information has not been updated.			
<b>Base Penalty</b>				\$25,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
	Potential				

  

**>> Programmatic Matrix**

<b>Matrix Notes</b>		<b>Falsification</b>			
		Major	Moderate	Minor	
					<b>Percent</b> 5.0%
		x			
100% of the rule requirement was not met.					
<b>Adjustment</b>					\$23,750

\$1,250

  

**Violation Events**

Number of Violation Events	1	Number of violation days	37
	<div style="display: flex; flex-direction: column;"> <div style="background-color: #d9e1f2; padding: 2px;">daily</div> <div style="background-color: #d9e1f2; padding: 2px;">weekly</div> <div style="background-color: #d9e1f2; padding: 2px;">monthly</div> <div style="background-color: #d9e1f2; padding: 2px;">quarterly</div> <div style="background-color: #d9e1f2; padding: 2px;">semiannual</div> <div style="background-color: #d9e1f2; padding: 2px;">annual</div> <div style="background-color: #d9e1f2; padding: 2px;">single event</div> </div>		
			<b>Violation Base Penalty</b>
			\$1,250
One single event is recommended.			

  

**Good Faith Efforts to Comply**

<b>0.0%</b>		<b>Reduction</b>	\$0
Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer			
Extraordinary			
Ordinary			
N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.		
<b>Violation Subtotal</b>			\$1,250

  

**Economic Benefit (EB) for this violation**

<b>Statutory Limit Test</b>	
Estimated EB Amount	\$1
<b>Violation Final Penalty Total</b>	\$1,333
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$1,333	

# Economic Benefit Worksheet

**Respondent** HOMELAND ENTERPRISES, INC.  
**Case ID No.** 59003  
**Reg. Ent. Reference No.** RN103049912  
**Media** Petroleum Storage Tank  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$40	31-Jul-2020	6-Dec-2020	0.35	\$1	n/a	\$1

### Notes for DELAYED costs

Estimated delayed cost to submit an amended UST registration form to the TCEQ. The date required is the initial investigation date and the final date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$40

**TOTAL**

\$1

<b>Screening Date</b>	21-Feb-2020	<b>Docket No.</b>	2020-0447-PST-E	<b>PCW</b>
<b>Respondent</b>	HOMELAND ENTERPRISES, INC.			Policy Revision 4 (April 2014)
<b>Case ID No.</b>	59003			PCW Revision March 26, 2014
<b>Reg. Ent. Reference No.</b>	RN103049912			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Carlos Molina			
<b>Violation Number</b>	5			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.49(a)(1) and Tex. Water Code § 26.3475(d)			
<b>Violation Description</b>	Failed to provide corrosion protection for the UST system.			
<b>Base Penalty</b>				\$25,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			<b>Percent</b> 15.0%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

  

Matrix Notes	Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$21,250
	\$3,750

  

**Violation Events**

Number of Violation Events	1	Number of violation days	37
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	daily		
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

  

<b>Violation Base Penalty</b>	\$3,750
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One quarterly event is recommended from the January 15, 2020 follow-up investigation date to the February 21, 2020 screening date.

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>		<b>Reduction</b>	\$0
Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer				
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			

  

<b>Violation Subtotal</b>	\$3,750
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**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$375
<b>Violation Final Penalty Total</b>	\$4,000
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$4,000

# Economic Benefit Worksheet

**Respondent** HOMELAND ENTERPRISES, INC.  
**Case ID No.** 59003  
**Reg. Ent. Reference No.** RN103049912  
**Media** Petroleum Storage Tank  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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## Delayed Costs

Equipment	\$6,000	15-Jan-2020	6-Dec-2020	0.89	\$18	\$357	\$375
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated delayed cost to provide corrosion protection for the UST system. The date required is the investigation date and the final date is the estimated date of compliance.						

## Avoided Costs

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance \$6,000

**TOTAL** \$375



<b>Screening Date</b>	21-Feb-2020	<b>Docket No.</b>	2020-0447-PST-E	<b>PCW</b>
<b>Respondent</b>	HOMELAND ENTERPRISES, INC.			
<b>Case ID No.</b>	59003	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN103049912	<i>PCW Revision March 26, 2014</i>		
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Carlos Molina			
<b>Violation Number</b>	6			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.50(b)(2) and Tex. Water Code § 26.3475(a)			
<b>Violation Description</b>	Failed to provide release detection for the pressurized piping associated with the UST system. Specifically, the Respondent had not conducted the annual piping tightness and line leak detector tests.			
<b>Base Penalty</b>				\$25,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Release</b>	<b>Harm</b>		
			Major      Moderate      Minor		
	Actual				
	Potential	x			<b>Percent</b> 15.0%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

  

Matrix Notes	Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$21,250
	\$3,750

  

**Violation Events**

Number of Violation Events	1	365	Number of violation days
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	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	<b>Violation Base Penalty</b> \$3,750

  

One single event is recommended.

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	<b>Reduction</b> \$0
Extraordinary			
Ordinary			
N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.		

  

<b>Violation Subtotal</b>	\$3,750
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**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$138
	<b>Violation Final Penalty Total</b> \$4,000
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$4,000	

# Economic Benefit Worksheet

**Respondent** HOMELAND ENTERPRISES, INC.  
**Case ID No.** 59003  
**Reg. Ent. Reference No.** RN103049912  
**Media** Petroleum Storage Tank  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$118	15-Jan-2020	6-Dec-2020	0.89	\$5	n/a	\$5

### Notes for DELAYED costs

Estimated delayed cost to conduct the annual piping tightness and line leak detector testing. The date required is the investigation date and the final date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$118	15-Jan-2019	21-Feb-2020	1.10	\$3	\$130	\$133
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Estimated avoided cost to conduct the annual piping tightness and line leak detector testing. The date required is one year prior to the investigation date and the final date is the screening date.

Approx. Cost of Compliance

\$248

**TOTAL**

\$138

<b>Screening Date</b>	21-Feb-2020	<b>Docket No.</b>	2020-0447-PST-E	<b>PCW</b>
<b>Respondent</b>	HOMELAND ENTERPRISES, INC.			
<b>Case ID No.</b>	59003	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN103049912	<i>PCW Revision March 26, 2014</i>		
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Carlos Molina			
<b>Violation Number</b>	7			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.51(b)(2) and Tex. Water Code § 26.3475(c)(2)			
<b>Violation Description</b>	Failed to equip the UST system with overfill prevention equipment.			
<b>Base Penalty</b>				\$25,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential		x		<b>Percent</b> 5.0%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

  

Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$23,750
<b>\$1,250</b>	

  

**Violation Events**

Number of Violation Events	1	Number of violation days	37
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	daily		
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

  

<b>Violation Base Penalty</b>	\$1,250
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One quarterly event is recommended from the January 15, 2020 follow-up investigation date to the February 21, 2020 screening date.	
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**Good Faith Efforts to Comply**

	<b>0.0%</b>		<b>Reduction</b>	\$0
Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer				
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			

  

<b>Violation Subtotal</b>	\$1,250
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**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$31
<b>Violation Final Penalty Total</b>	\$1,333
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$1,333	

# Economic Benefit Worksheet

**Respondent** HOMELAND ENTERPRISES, INC.  
**Case ID No.** 59003  
**Reg. Ent. Reference No.** RN103049912  
**Media** Petroleum Storage Tank  
**Violation No.** 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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## Delayed Costs

Equipment	\$500	15-Jan-2020	6-Dec-2020	0.89	\$1	\$30	\$31
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to install overfill prevention equipment (\$100 per tank). The date required is the investigation date and the final date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$31

<b>Screening Date</b>	21-Feb-2020	<b>Docket No.</b>	2020-0447-PST-E	<b>PCW</b>
<b>Respondent</b>	HOMELAND ENTERPRISES, INC.			
<b>Case ID No.</b>	59003	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN103049912	<i>PCW Revision March 26, 2014</i>		
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Carlos Molina			
<b>Violation Number</b>	8			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 334.48(c) and 334.50(d)(1)(B) and Tex. Water Code § 26.3475(c)(1)			
<b>Violation Description</b>	Failed to conduct effective manual or automatic inventory control procedures for the UST system.			
<b>Base Penalty</b>				\$25,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			<b>Percent</b> 15.0%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

  

Matrix Notes	Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$21,250
	\$3,750

  

**Violation Events**

Number of Violation Events	1	Number of violation days	37
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	daily		<b>Violation Base Penalty</b> \$3,750
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

  

One quarterly event is recommended from the January 15, 2020 follow-up investigation date to the February 21, 2020 screening date.

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>		<b>Reduction</b>	\$0
Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer				
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>				\$3,750

  

**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$67
<b>Violation Final Penalty Total</b>	\$4,000
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$4,000	

# Economic Benefit Worksheet

**Respondent** HOMELAND ENTERPRISES, INC.  
**Case ID No.** 59003  
**Reg. Ent. Reference No.** RN103049912  
**Media** Petroleum Storage Tank  
**Violation No.** 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	15-Jan-2020	6-Dec-2020	0.89	\$67	n/a	\$67

Notes for DELAYED costs

Estimated delayed cost to conduct proper inventory control procedures for the UST system. The date required is the investigation date and the final date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

**TOTAL**

\$67

<b>Screening Date</b>	21-Feb-2020	<b>Docket No.</b>	2020-0447-PST-E	<b>PCW</b>
<b>Respondent</b>	HOMELAND ENTERPRISES, INC.			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	59003			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN103049912			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Carlos Molina			
<b>Violation Number</b>	9			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.72			
<b>Violation Description</b>	Failed to report a suspected release to the agency within 24 hours of discovery. Specifically, automatic tank gauge ("ATG") reports for the Unleaded tank for the months of August 2018, December 2018, January 2019, March 2019, and April 2019 were inconclusive.			
		<b>Base Penalty</b>	\$25,000	

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential				
					<b>Percent</b> 0.0%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		x			
					<b>Percent</b> 5.0%
<b>Matrix Notes</b>	100% of the rule requirement was not met.				
					<b>Adjustment</b> \$23,750

  

\$1,250

**Violation Events**

Number of Violation Events	1	37	Number of violation days
daily			
weekly			
monthly			
quarterly			
semiannual			
annual			
single event	x		
			<b>Violation Base Penalty</b> \$1,250
	One single event is recommended.		

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>		<b>Reduction</b> \$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.		
			<b>Violation Subtotal</b> \$1,250

  

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$136	<b>Statutory Limit Test</b>
		<b>Violation Final Penalty Total</b> \$1,333
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,333

# Economic Benefit Worksheet

**Respondent** HOMELAND ENTERPRISES, INC.  
**Case ID No.** 59003  
**Reg. Ent. Reference No.** RN103049912  
**Media** Petroleum Storage Tank  
**Violation No.** 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	15-Jan-2020	6-Dec-2020	0.89	\$4	n/a	\$4

**Notes for DELAYED costs**

Estimated delayed cost to develop and implement procedures designed to ensure that suspected releases are reported. The date required is the investigation date and the final date is the estimated date of compliance.

## Avoided Costs

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$127	1-May-2019	21-Feb-2020	0.81	\$5	\$127	\$132

**Notes for AVOIDED costs**

Estimated avoided cost to report a suspected release (\$25 per report x 5 reports and interest that began accruing from the due date of the earliest report). The date required is the date the last suspected release should have been reported and the final date is the screening date.

**Approx. Cost of Compliance**

\$227

**TOTAL**

\$136



<b>Screening Date</b>	21-Feb-2020	<b>Docket No.</b>	2020-0447-PST-E	<b>PCW</b>
<b>Respondent</b>	HOMELAND ENTERPRISES, INC.			Policy Revision 4 (April 2014)
<b>Case ID No.</b>	59003			PCW Revision March 26, 2014
<b>Reg. Ent. Reference No.</b>	RN103049912			
<b>Media</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Carlos Molina			
<b>Violation Number</b>	10			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.74			
<b>Violation Description</b>	Failed to investigate and confirm all suspected release of regulated substances requiring reporting under 30 Tex. Admin. Code § 334.72 (relating to Reporting of Suspected Releases) within 30 days of discovery. Specifically, ATG reports for the Unleaded tank of the UST system indicated suspected releases that were not investigated.			
		<b>Base Penalty</b>	\$25,000	

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			
				<b>Percent</b>	15.0%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

  

<b>Matrix Notes</b>	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.
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<b>Adjustment</b>	\$21,250
	\$3,750

  

**Violation Events**

Number of Violation Events	1	Number of violation days	509
----------------------------	---	--------------------------	-----

  

	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

  

<b>Violation Base Penalty</b>	\$3,750
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One quarterly event is recommended from the earliest suspected release investigation due date of September 30, 2018 to the February 21, 2020 screening date.

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>			<b>Reduction</b>	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
Extraordinary					
Ordinary					
N/A	x				
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.				

  

<b>Violation Subtotal</b>	\$3,750
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$109	<b>Statutory Limit Test</b>	
		<b>Violation Final Penalty Total</b>	\$4,000
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$4,000

## Economic Benefit Worksheet

**Respondent** HOMELAND ENTERPRISES, INC.  
**Case ID No.** 59003  
**Reg. Ent. Reference No.** RN103049912  
**Media** Petroleum Storage Tank  
**Violation No.** 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	30-Sep-2018	6-Dec-2020	2.19	\$109	n/a	\$109

Notes for DELAYED costs

Estimated delayed cost to conduct an investigation of the suspected release and implement appropriate corrective measures. The date required is the date the first suspected release investigation was due and the final date is the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

**TOTAL**

\$109

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN604086322, RN103049912, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

**Customer, Respondent, or Owner/Operator:** CN604086322, HOMELAND ENTERPRISES, INC. **Classification:** SATISFACTORY **Rating:** 2.67

**Regulated Entity:** RN103049912, Pinehurst Country Store **Classification:** SATISFACTORY **Rating:** 2.67

**Complexity Points:** 5 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 35427 STATE HIGHWAY 249 IN PINEHURST, MONTGOMERY COUNTY, TEXAS

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**

**PETROLEUM STORAGE TANK REGISTRATION**  
REGISTRATION 45134

**Compliance History Period:** September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

**Date Compliance History Report Prepared:** February 11, 2020

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 11, 2015 to February 11, 2020

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Carlos Molina

**Phone:** (512) 239-2557

**Site and Owner/Operator History:**

- |  |     |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period?       | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO  |

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

N/A

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	August 26, 2016	(1357050)
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**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- |   |              |  |           |                          |
|---|--------------|--|-----------|--------------------------|
| 1 | Date:        | 08/19/2019   | (1582411) |                          |
|   | Self Report? | NO   |           | Classification: Minor    |
|   | Citation:    | 30 TAC Chapter 115, SubChapter C 115.246(a)(7)   |           |                          |
|   | Description: | Failure to maintain copies of all notifications and records sufficient to demonstrate compliance with the applicable decommissioning steps listed in §115.241 of this title (relating to Decommissioning of Stage II Vapor Recovery Equipment), including all required test results, kept on site for five years following the completion of the decommissioning activity. |           |                          |
|   | Self Report? | NO   |           | Classification: Moderate |

Citation:	30 TAC Chapter 115, SubChapter C 115.241(b)(3)	
Description:	Failure to verify completion of required decommissioning activities.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter C 115.241(b)(4)	
Description:	Failure of the owner or operator of the gasoline dispensing facility to notify in writing the TCEQ regional office and local government with jurisdiction where the gasoline dispensing facility is located no later than ten calendar days after completion of all decommissioning activity at the gasoline dispensing facility.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 334, SubChapter A 334.10(b)(1)(B)	
Description:	Failure to develop and maintain all UST records.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 334, SubChapter C 334.42(i)	
Description:	Failure to ensure that any sumps are inspected at least once every 60 days to assure that their sides, bottoms, and any penetration points are maintained liquid tight.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 334, SubChapter A 334.7(d)(3)	
Description:	Failure to provide amended registration for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition, or within 30 days of the date on which the owner or operator first became aware of the change or addition, as applicable.	

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
HOMELAND ENTERPRISES, INC.;  
RN103049912**

**§  
§  
§  
§  
§**

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

**DOCKET NO. 2020-0447-PST-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding HOMELAND ENTERPRISES, INC. ("Respondent") under the authority of TEX. WATER CODE chs. 7 AND 26, TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, together stipulate that:

1. Respondent owns as defined in 30 TEX. ADMIN. CODE § 334.2(78), an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 35427 State Highway 249 in Pinehurst, Montgomery County, Texas (Facility ID No. 45134) (the "Station"). The USTs at the Station are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contain or contained a regulated petroleum substance as defined in the rules of the TCEQ. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of twenty-three thousand four hundred sixty-nine dollars (\$23,469.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid six hundred eighty-four dollars (\$684.00) of the penalty. The remaining amount of twenty-two thousand seven hundred eighty-five dollars (\$22,785.00) shall be paid in thirty five (35) monthly payments of six hundred fifty-one dollars (\$651.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in

full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.

5. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions contained in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon full compliance with all the terms and conditions set forth in this Order, whichever is later.

## **II. ALLEGATIONS**

1. During investigations conducted on July 31, 2019 and January 15, 2020, an investigator documented that Respondent:
  - a. Failed to maintain Stage II decommissioning records at the Station, in violation of 30 TEX. ADMIN. CODE § 115.246(a)(7);
  - b. Failed to perform and complete all decommissioning activities, as applicable for the particular Stage II vapor recovery system equipment installed at the Station, in violation of TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE § 115.241(b)(3). Specifically, the Station was unable to verify that all Stage II Decommissioning activities had been completed;
  - c. Failed to inspect all sumps, manways, overspill containers, or catchment basins associated with the UST system at least once every 60 days to assure that their sides, bottoms, and any penetration points are maintained liquid tight, in violation of TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.42(i). Specifically, the spill buckets contained liquid;

- d. Failed to provide an amended registration for any change or additional information regarding the USTs within 30 days from the date of the occurrence of the change or addition, in violation of 30 TEX. ADMIN. CODE § 334.7(d)(1)(A), (d)(1)(C), and (d)(3). Specifically, information about UST No. 5 has not been updated indicating that it contains diesel fuel and the current operator information has not been updated;
- e. Failed to provide corrosion protection for the UST system, in violation of TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE § 334.49(a)(1);
- f. Failed to provide release detection for the pressurized piping associated with the UST system, in violation of TEX. WATER CODE § 26.3475(a) and 30 TEX. ADMIN. CODE § 334.50(b)(2). Specifically, Respondent had not conducted the annual piping tightness and line leak detector tests;
- g. Failed to equip the UST system with overfill prevention equipment, in violation of TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.51(b)(2);
- h. Failed to conduct effective manual or automatic inventory control procedures for the UST system, in violation of TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE §§ 334.48(c) and 334.50(d)(1)(B);
- i. Failed to report a suspected release to the agency within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72. Specifically, automatic tank gauge ("ATG") reports for the Unleaded tank for the months of August 2018, December 2018, January 2019, March 2019, and April 2019 were inconclusive; and
- j. Failed to investigate and confirm all suspected release of regulated substances requiring reporting under 30 TEX. ADMIN. CODE § 334.72 (relating to Reporting of Suspected Releases) within 30 days of discovery, in violation of 30 TEX. ADMIN. CODE § 334.74. Specifically, ATG reports for the Unleaded tank of the UST system indicated suspected releases that were not investigated.

### **III. DENIALS**

Respondent generally denies each Allegation in Section II.

### **IV. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. Payment of this penalty and Respondent's compliance with all of the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: HOMELAND ENTERPRISES, INC., Docket No. 2020-0447-PST-E" to:

Financial Administration  
Revenue Operations Section  
Texas Commission on Environmental Quality  
Attention: Cashier's Office, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

2. Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of the Commission's Order, begin maintaining required State II decommissioning records and ensure they are made available for inspection upon request by agency personnel, in accordance with 30 TEX. ADMIN. CODE § 115.246.
  - b. Within 30 days after the effective date of the Commission's Order:
    - i. Install overfill prevention equipment for UST system, in accordance with 30 TEX. ADMIN. CODE § 334.51;
    - ii. Remove and properly dispose of all liquid and debris from the spill buckets, and begin conducting bimonthly inspections of all sumps, manways, overspill containers, or catchment basins, in accordance with 30 TEX. ADMIN. CODE § 334.42;
    - iii. Complete all Stage II decommissioning activities including submitting a complete decommissioning notice, in accordance with 30 TEX. ADMIN. CODE § 115.241;
    - iv. Conduct the piping tightness and line leak detector tests for all USTs at the Station, in accordance with 30 TEX. ADMIN. CODE § 334.50;
    - v. Provide corrosion protection for the UST system at the Station, in accordance with 30 TEX. ADMIN. CODE § 334.49;
    - vi. Implement a method of manual or automatic inventory control procedures for all USTs at the Station, in accordance with 30 TEX. ADMIN. CODE §§ 334.48 and 334.50;
    - vii. Develop and implement procedures designed to ensure that suspected releases are reported, in accordance with 30 TEX. ADMIN. CODE § 334.72;
    - viii. Conduct an investigation of the suspected releases and implement appropriate corrective measures, in accordance with 30 TEX. ADMIN. CODE § 334.74; and
    - ix. Submit a properly completed UST Registration and Self-Certification form, in accordance with 30 TEX. ADMIN. CODE § 334.7 to:



Registration and Reporting Section  
Permitting & Registration Support, MC 129  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- c. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provisions Nos. 2.b.i. through 2.b.ix.
- d. The certification required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

Order Compliance Team  
Texas Commission on Environmental Quality  
Enforcement, MC 149A  
P.O. Box 13087  
Austin, Texas 78711-3087

and:

Waste Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Street, Suite H  
Houston, Texas 77023-1452

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Station operations referenced in this Order.
- 5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive

Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.

6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

For the Commission

Date

Kim E. Chanallop

07-12-2021

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions in this Order and/or failure to timely pay the penalty amount may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.

Ali Ahmed Abu-Ain  
Signature - Ali Ahmed Abu-Ain, President  
HOMELAND ENTERPRISES, INC.  
P.O. Box 73311  
Houston, Texas 77273

Date

5-7-2021

☒ If mailing address has changed, please check this box and provide the new address below:

Homeland Enterprises, Inc  
20503 Spring Orchard Ln  
Spring, TX 77388